THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7949 of 2007

Dated: 19.04.2007

Between:

P. Sudhakar.

..... PETITIONER

AND

The Divisional Panchayat Officer, Madanapalli, Chittoor, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.7949 of 2007

ORDER:

The petitioner alleges that second respondent, T. Satyavaripalem Gram Panchayat conducted auction to lease out fishing rights in the minor tank in the Village and that he became highest bidder for the lease period 2005-2006 at Rs.1,150/- per annum. The petitioner could not harvest the fish as the water level in summer, 2006 did not decrease. He allegedly suffered loss. He submitted representation on 15.07.2006 to extend lease for the year 2006-2007 agreeing to enhance the lease amount by 25%. It appears that second respondent passed resolution on 01.08.2006 in faovur of the petitioner and submitted the same to first respondent for confirmation. The same is pending. In the meanwhile, it appears that third respondent allegedly came to the fish tank and claimed that he will catch fish in summer. The petitioner, therefore, filed instant writ petition seeking a writ of Mandamus declaring the action of first respondent in not passing orders on the resolution submitted by second respondent.

At the stage of admission itself, after getting instructions, the learned Assistant Government Pleader for Panchayat Raj and Rural Development submits that the writ petition is filed by making false allegations. He submits that subsequently auction was conducted for the year 2006-2007 and third respondent became highest bidder. He also submits that the proposals/resolution of second respondent were rejected.

The writ petition is filed on a factual foundation, which is not sound, therefore, the same is dismissed. No costs.

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(**V.V.S.RAO, J**)

19th April, 2007

ghn